

[(3)] (III) if the applicant or holder fraudulently or deceptively uses a beauty salon permit.

[(b)] (2) (I) Instead of or in addition to REPRIMANDING A PERMIT HOLDER OR suspending or revoking a beauty salon permit, the Board may impose a penalty not exceeding \$300 for all violations cited on a single date.

[(c)] (II) [In determining] TO DETERMINE the amount of [financial] penalty [to be] imposed under this [section] SUBSECTION, the Board shall consider [the following]:

[(1)] 1. the seriousness of the violation;

[(2)] 2. the good faith of the violator;

[(3)] 3. the violator's history of previous violations;

[(4)] 4. the deleterious effect of the violation on the complainant, the public, and the cosmetology industry; and

[(5)] 5. any other factors relevant to the determination of the financial penalty.

(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

[(d)] (B) The Board shall commence proceedings under this section on a complaint to the Board by a member of the Board or any person.

(1) A complaint shall:

(i) be in writing;

(ii) be signed by the complainant;

(iii) state specifically the facts on which the complaint is based;

(iv) be submitted to the Executive Director of the Board; and

(v) be served on the person to whom it is directed:

1. personally; or

2. by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the person's last known address as shown on the Board's records.

(2) If service is made by certified mail, the person who mails the document shall file with the Board verified proof of mailing.

[(e)] (C) (1) Except as provided in subsection [(f)] (D) of this section, if the Board finds that a complaint alleges facts that are adequate grounds for action under this section, the Board shall act on the complaint as provided under § 5-523 of this subtitle to deny, suspend, or revoke a license, reprimand a licensee, or assess a penalty.